UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,007	09/27/2001	Michael Wayne Brown	AUS920000715US1	2738

			EXAMINER
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ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/965,007	BROWN ET AL.
	Examiner	Art Unit	
	Prieto B.	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 May 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16,19-35,38-54 and 57_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-16,19-35,38-54 and 57_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 September 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

1.   This communication is in response to Amendment filed 05/27/05, claims 17-18, 36-37 and 55-56 have been canceled, claims 1-16, 19-35, 38-54 and 57 remain pending.

2.   Claim 8, "the operations", lack antecedent basis. For the purposes of examination, the operations refer to the transmission of information discussed on claim 7.

Claim Rejections - 35 USC § 103

3.   Quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for the rejections under this section made in this Office action may be found in previous office action.

4.   Claims 1, 6-10, 14, 19-20, 25-29, 33, 38-39, 44-48, 52, and 57 are rejected under 35 U.S.C. 103(a) as being obvious over Waytena (US 5,978,770) in view of Wolzien (US 2003/0212996)

Regarding claim 1, Waytena discloses a method for transmitting information to a wireless device comprising: determining a current location of the wireless device (col. 14, lines 24-27);

determining whether the current location is within a proximity to a target location (col. 14, lines 29-33); and

if the current location is within the proximity to the target location, displaying on the wireless device "offerings" information available at the target location (col. 14, lines 21-24); however Waytena does not explicit disclose where the displayed offerings are transmitting information to the wireless device.

Wolzien teaches determining a user's current location [0017], wireless device [0074];

determining target locations within the proximity of user's current location [0017-0018]; and

transmitting information to the wireless device on services available at determined target location within the proximity of user's current location, information including "offerings" products/services thereon [0018, 0117], information including additional content to facilitate the completion of any transactional details involved in the procurement of goods/services at the target location [0019, 0117], automatically communicated to the target location as providing the requested or alternative good/service [0022], notify a user of goods/services for sale and when the user is in the proximity of a restaurant, a

retail establishment, or a similar location being marketed based upon the current location of the user, as determined by location determination means [0081].

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the teachings of Waytena for providing when in the proximity of a location, information of the services available at the proximity location, the teachings of Wolzien would be readily apparent. Given the suggestion of Waytena for not storing locally (col. 8, lines 47-55) displayed "offerings" information available at the target location. One would be motivate to implement Wolzien's teaching for transmitting information to the wireless device on services available at determined target location within the proximity of user's current location to not have to store and update each and every wireless device with dynamic information of offerings available at the target location.

Regarding claim 6, offerings available at the target location, i.e. goods/services (Waytena: col. 14, line 22, Wolzien: 0018).

Regarding claim 7, determine whether the offerings at the target location match one accessed personal preference indicated by the user, and transmitted such (Waytena: col. 14, lines 21-23, Wolzien: 0058).

Regarding claims 8-9, transmission of information is in response to a push action (Waytena: col. 6, lines 22-26; col. 13, lines 49-50 and Wolzien: 0110) and pull action at the wireless device (Waytena: col. 14, lines 20-21, Wolzien: 0110).

Regarding claim 10, determining a current location of the wireless device (Waytena: col. 14, lines 24-27);

providing a data structure including "event" information for each of a plurality of services "events" that occur at event locations (Waytena: col. 13, lines 49-50);

determining whether the current location is within a proximity to one of the event locations (Waytena: col. 14, lines 29-33); and

if the current location is within the proximity to at least one event location, then providing event information to the wireless device for the at least one event location that is within the proximity to the wireless device (Waytena: col. 14, lines 21-24), wherein providing information comprises transmitting (Wolzien: 0018-0119, 0022).

Regarding claim 14, gathering for each wireless device data on "event" locations where the wireless device was located and a time the wireless device was located at the event location (Waytena: col. 19, lines 9-12).

Claims 17-18 (canceled)

Regarding claim 19, target location-an activity at an amusement park (Waytena: col. 2, lines 46-49).

Regarding claim 20, this claim comprises the system comprising the means for performing the functions discussed on claim 1, same rationale of rejection is applicable.

Regarding claims 25-28, these claims comprise the system comprising the means for performing the functions discussed on claims 6-9, same rationale of rejection is applicable.

Regarding claim 29, this claim comprises the system comprising a computer readable medium (Waytena: Fig. 1A, item 111) and the means for performing the functions discussed on claim 1, same rationale of rejection is applicable.

Regarding claim 33, this claim comprises the system comprising the means for performing the functions discussed on claim 14, same rationale of rejection is applicable.

claims 36-37 (canceled)

Regarding claim 38, this claim comprises the system comprising the means for performing the functions discussed on claim 19, same rationale of rejection is applicable.

Regarding claim 39, this claim comprises the article of manufacture including code for performing the functions discussed on claim 1, same rationale of rejection is applicable.

Regarding claims 44-47, these claims comprise the article of manufacture including code for performing the functions discussed on claims 6-9, same rationale of rejection is applicable.

Regarding claim 48, this claim comprises the article of manufacture including code for performing the functions discussed on claim 10, same rationale of rejection is applicable.

Regarding claim 52, this claim comprises the article of manufacture including code for performing the functions discussed on claim 14, same rationale of rejection is applicable.

claims 55-56 (canceled)

Regarding claims 57, this claim comprises the article of manufacture including code for performing the functions discussed on claim 19, same rationale of rejection is applicable.

5.   Claims 2-3, 15-16, 21-22, 34-35, 40-41, and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena in view of Wolzien in further in view of Cahill (5,428,784).

Regarding claims 2 and 3, providing a list of user selected events (Waytena: col. 13, lines 59-60); a list of attractions may not be sent i.e. the list is empty if a particular condition is not met, for example if there is no attraction within proximity to the user or if there is no attraction that complies with the user's preferences (Waytena: col. 14, lines 21-24);

accessing scheduled event records each scheduled event record indicates one event scheduled for a time period (Waytena: col. 10, lines 12-15, col. 3, lines 11-27, 53-54, col 12, lines 25-45); and

processing the scheduled event records for the user to determine whether the user is "available" i.e. qualified to visit during the event time period (Waytena: col 7, lines 45-51 and col. 8, lines 32-46); however Waytena does not explicitly teach determining whether the user is available, i.e. whether no scheduled event "entirely" overlaps a given time period to visit the target location.

Cahill teaches accessing scheduled events records (e.g. a calendar) indicating the individual scheduled events at each respective time duration (col. 2, lines 1-5), searching said records for any schedule events overlapping a provided period of time with which the search is made, and determining whether the individual is available and if determined that the individual is not available, returning the overlapping event record information in response to said search (col. 1, lines 25-59, col. 3, lines 34-45).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Waytena for determining whether a request reservation is valid and returning a response of confirmation or rejection. The validation comprises determining whether the user is available

to visit the target location. It would have been obvious to enable Waytena's filtering rules applied to stored information list of pending and confirmed reservations for an event (attraction), identifying the user and the time for the reservation for determining if a request reservation for a predetermine event and predetermined period of time can be accommodated including reply accordingly, to further search said records for any schedule events overlapping a requested period of time to determining whether the user is available to visit any requested target location and if determined that the individual is not available, returning the corresponding overlapping event record information or if determine that the user is available, informing the user accordingly e.g. with a confirmation message. Motivation for doing so would be to prevent the burdening the user with a list of attractions that the user is unable to attend because of his/her scheduled events.

Regarding claim 15, receiving information broadcasted within a defined region on event offerings at a target location for an event time period (Waytena: col. 13, lines 49-50), information (a list of attractions) may be sent if a particular condition is met (Waytena: col. 14, lines 21-24), accessing scheduled event records each scheduled event record indicates one event scheduled for a time period (Waytena: col. 10, lines 12-15, col. 3, lines 11-27, 53-54, col 12, lines 25-45); and processing the scheduled event records for the user to determine whether the user is "available" qualified to visit during the event time period (Waytena: col 7, lines 45-51 and col. 8, lines 32-46);

Cahill teaches accessing scheduled events records (e.g. a calendar) indicating the individual scheduled events at each respective time duration (col 2., lines 1-5), searching said records for any schedule events overlapping a provided period of time with which the search is made, and determining whether the individual is available and if determined that the individual is not available, returning the overlapping event record information in response to said search (col. 1, lines 25-59, col. 3, lines 34-45). Same obvious statement and motivation to combine discussed on claims 2-3 is hereby incorporated/applied by reference.

Regarding claim 16, providing information on user preferences (Waytena: col. 14, line 22); determining whether the received information satisfies one user preference, wherein the information is not presented to the user if the received information does not satisfy one user preference (Waytena: col. 14, lines 21-23).

Regarding claims 21-22, includes limitations discussed on claims 1-4, and 15 same rationale of rejection is applicable. Further, information (a list of attractions) may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no attraction within proximity to the user or if there is no attraction that complies with the user's preferences (Waytena: col. 14, lines 21-24); accessing scheduled event records each scheduled event record indicates one event scheduled for a time period (Waytena: col. 10, lines 12-15, col. 3, lines 11-27, 53-54, col 12, lines 25-45).

Regarding claim 34, this claim comprises the system and the respective means fro performing the functions discussed on claim 15, same rationale of rejection is applicable.

Regarding claim 35, this claim comprises the system and the respective means for performing the functions discussed on claim 16, same rationale of rejection is applicable.

Claims 36-37 (canceled)

Regarding claims 40-41, these claims comprise the article of manufacture for performing the functions discussed on claims 2-3, same rationale of rejection is applicable.

Regarding claim 53-54, these claims comprise the article of manufacture for performing the functions discussed on claims 15-16, same rationale of rejection is applicable.

Claims 55-56 (canceled).

Regarding claim 4, the combined references as applied on claims 2-3, further teach a list of attractions may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no attraction within proximity to the user or if there is no attraction that complies with the user's preferences (Waytena: col 14/lines 13-35);

   providing a list of attractions that match the particular preference of the user or that are in relative proximity to the user's current location (Waytena: col. 14, lines 20-35);

   a data structure indicating a plurality of time periods during which offerings are available at the target location records comprising a list of pending and confirmed reservations for an event (attraction), identifying the user and the time for the reservation (Waytena: col. 10, lines 12-15);

determining using said records the next available time for a reservation (Waytena: col. 10, lines 53-67);

maintaining information describing the associated attractions, including its description, geographic location and hours of operations, further maintaining reservation status of the attraction, the current state of the queue for corresponding attraction and estimating the number of people in the queue, keeping track of the number of people, enables the estimate of current and future availability of the attraction (Waytena: col 5, lines 33-58), and

determining whether the user is "available" qualified to visit the target location within on of the time periods indicated in the data structure (Waytena: col 7, lines 45-51 col. 8, lines 32-46); and

determining whether the user is "available" (i.e. any scheduled events overlap a provided period of time) to visit the target location within on of the time periods indicated in the data structure (Cahill: col. 2, lines 1-5, col. 1, lines 25-59, col. 3, lines 34-45).

Regarding claim 5, comprises limitations discussed on claims 2-4 above same rationale of rejection is applicable.

Regarding claims 23-24, these claims comprise the system including a computer readable medium and means for respectively perform the functions discussed on claims 4-5, same rationale of rejection is applicable.

Regarding claims 42-43, these claims comprise the article of manufacture for performing the functions discussed on claims 4-5, same rationale of rejection is applicable.

6.   Claims 11-13, 30-32, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena in view of Wolzien in further in view of Redmann.

Regarding claim 11, determine whether a user is in proximity to an event location (Waytena: col. 14, lines 29-33); whether an event is indicated in the event preference information (Waytena: col. 14, lines 21-23); and transmitting information for one event indicated in the preference information (Waytena: col. 14, lines 21-23); however Waytena does not expressly disclose determining whether an event is both within proximity to the user and indicated in the event preference information.

Redmann teaches that it is known that a scheduling method can determine both the distance to an event and whether that event is indicated in the user's preference profile (par. 239, lines 1-13).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing. At the time of invention, it would have been obvious to allow Waytena's method to utilize it's ability to determine user proximity to an event and whether the event is preferred by the user together to determine both of these attributes for a particular event. It would also have been obvious to allow Waytena's method to present a list of these attractions to the user. The motivation for doing so would have been to present activities to the user that are very desirable to them based on these factors (par. 239, lines 1-2).

Regarding claim 12, determining, determined events at event locations within the proximity to the current location (Waytena: col. 14, lines 29-33), list of events should be visited based on the event locations and the current location, e.g. a list of available events (attractions) or a list of attractions that match the particular preferences of the user or that are in relative proximity to the user's determined current location and those determine attractions that the user is near to (Waytena: col 14/lines 13-35); however the applied prior art does not teach where the provided information comprises an "optimal" order.

Redmann teaches that it is known to generate an itinerary of attractions in a predetermined order for a user based on the amount of time to travel to the attraction from the previous location of the user (par. 177, and 0133-0134). Redmann also teaches that this itinerary can be presented to a user on a wireless device (Fig. 4).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing. At the time of invention, it would have been obvious to a person of ordinary skill in the art to add an option to Waytena's method to have an itinerary of reservations made for the user based on travel time. The motivation for doing so would have been to provide the user with a way to obtain a schedule that maximizes their experience with the minimum of inconvenience (par. 5, lines 1-2). Therefore it would have been obvious to combine Redmann with Waytena for the benefit of minimizing inconvenience.

Regarding claim 13, determining the proximity of events to a user's current location (Waytena: col. 14, lines 29-33); information (a list of attractions) may not be sent (i.e. the list is empty) if a particular condition is not met, for example if there is no attraction within proximity to the user or if there is no attraction that complies with the user's preferences (col. 14, lines 21-24); Redmann teaches that it is

known that a wait time for an attraction can be determined and used by a scheduling device (par. 174, lines 3-4). Redmann also teaches that it can be determined whether a particular wait time exceeds a user's threshold of an acceptable amount of time to wait (par. 200, lines 19).

Waytena and Redmann are analogous art because they are both from the same field of endeavor of schedule processing. At the time of invention, it would have been obvious to enable Waytena's method to be able to determine the wait time for attractions that are determined to be in proximity to a user's location and to transmit a list of potential attractions containing only those attractions with an acceptable wait time. The motivation for doing so would have been to provide the user with a way to obtain a schedule that maximizes their experience with the minimum of inconvenience (par. 5, lines 1-2). Therefore it would have been obvious to combine Redmann with Waytena for the benefit of minimizing inconvenience.

Regarding claims 30-32, these claims comprises the system including the means associated with each respective function discussed on claims 11-13, same rationale of rejection is applicable.

Regarding claim 49-51, this claim comprises the article of manufacture associated with the functions performed on claim 11-13, same rationale of rejection is applicable.

Response to Arguments

7.   Regarding claims 1, 20 and 39 rejected anticipated by Waytena, it is argued (p. 17-19 of remarks) that the applied reference does not teach claim limitation as recited. Specifically, does not teach transmitting information to the wireless device on offerings available at a target location within a proximity to the current location of the wireless device, because the attraction description storage is locally stored the personal communication device, thereby it does not need transmitted to it.

8.   Regarding claims 2-3, 15-16, 21-22, 34-35, 41-41 and 53-54 rejected under 103 over Waytena in view of Cahill, it is argued (p. 19-20 of remarks) that the applied references do not teach claim limitation as recited. Specifically, do not teach processing schedule records to determine whether the user is available to visit a target location within a proximity to the location of the user's wireless device, because the claim's concern, according to applicant, is whether information on a target location proximate to the user of the wireless device will be sent to the user of the wireless device.

In response to the above-mentioned argument, claim 2 broadly interpreted reads: accessing a record, which indicates an event scheduled on a time period, determining with said record whether the user is available to visit the target location. Claim interpretation to the claimed clause "determine whether the user is available". (i) According to applicant's specification, a filtering mechanism process user scheduled event records to determine whether no scheduled event entirely overlaps a given time period with the period of the duration during which the described services are offered. This is used to infer whether or not "the user is available" during a given time period (p. 20, lines 18-26); (ii) the claimed term "available", an adjective denoting the state of being present or ready for immediate user, accessible, obtainable, *qualified* or willing to do something or to assume a responsibility. This plain meaning constitute the broadest reasonable interpretation inlight of the disclosure (MPEP 2111).

Waytena teaches presenting the user with a list of available events (attractions) or a list of attractions that match the particular preferences of the user or that are in relative proximity to the user's determined current location and those determine attractions that the user is near to (col 14/lines 13-35); accessing (209) "scheduled event" records (210) comprising a list of pending and confirmed reservations for an event (attraction), identifying the user and the time for the reservation (col. 10, lines 12-15); determining using said records the next available time for a reservation (col. 10, lines 53-67), determining whether and when a reservation request can be accommodated, returning a response to the user of confirmation/rejection (col. 3, lines 11-27, 53-54), events include attractions and other services (col. 2, lines 46-49), the request may specify a particular time of the day that the user is interest in or the next time available for visiting the attraction, determining (209) the availability of the attraction in accordance with the request (col. 12, lines 25-45); maintaining information describing the associated attractions, including its description, geographic location and hours of operations, further maintaining reservation status of the attraction, the current state of the queue for corresponding attraction and estimating the number of people in the queue, keeping track of the number of people, enables the estimate of current and future availability of the attraction (col 5, lines 33-58). Means for determining the number of reservation the user has confirmed or accepted, the time of day, location of attraction, the user's current location and proximity to the attraction (col 7, lines 45-51). Means for determining whether a user's request for reservation to an event (attraction) is valid, such as, whether the user is allowed to attend to the attraction, and where the user is permitted to attend requested attraction (col. 8, lines 32-46).

Thus, Waytena teaches accessing a record, which indicates an event scheduled on a time period, and determining with said record whether the user making a request for reservation may visit the target location at a particular time requested or at the next time the event is available. Thus, Waytena also

teaches determining the whether the user is available to visit the target location, specifically, determining whether a user's request for reservation to an event (attraction) is valid, such as, whether the user is "available", i.e. qualified allowed to attend "visit" to the attraction, and where the user is permitted to attend requested attraction (col. 8, lines 32-46).

However Waytena does not explicitly teach determining whether the user is available, i.e. whether no scheduled event entirely overlaps a given time period to visit the target location.

Cahill teaches accessing scheduled events records (e.g. a calendar) indicating the individual scheduled events at each respective time duration (col 2., lines 1-5), searching said records for any schedule events overlapping a provided period of time with which the search is made, and determining whether the individual is available and if determined that the individual is not available, returning the overlapping event record information in response to said search (col. 1, lines 25-59, col. 3, lines 34-45).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Waytena for determining whether a request reservation is valid and returning a response of confirmation or rejection. The validation comprises determining whether the user is available to visit the target location. It would have been obvious to enable Waytena's filtering rules applied to stored information list of pending and confirmed reservations for an event (attraction), identifying the user and the time for the reservation for determining if a request reservation for a predetermine event and predetermined period of time can be accommodated including reply accordingly, to further search said records for any schedule events overlapping a requested period of time to determining whether the user is available to visit any requested target location and if determined that the individual is not available, returning the corresponding overlapping event record information or if determine that the user is available, informing the user accordingly e.g. with a confirmation message. Motivation for doing so would be to prevent the burdening the user with a list of attractions that the user is unable to attend because of his/her scheduled events.

9.   Regarding claims 2-3, 15-16, 21-22, 34-35, 41-41 and 53-54 rejected under 103 over Waytena in view of Cahill, it is argued (p. 20-21 of remarks) that the applied references do not teach claim limitation as recited. Specifically, do not teach processing schedule records to determine whether the user is available during an event time period of an event offering at a target location.

In response to the above-mentioned argument, Waytena teaches determining *whether and when a reservation request can be accommodated,* returning a response to the user of confirmation/rejection (col. 3, lines 11-27, 53-54), events include attractions and other services (col. 2, lines 46-49), *the request may*

specify a particular time of the day that the user is interest in or the next time available for visiting the attraction, determining (209) the availability of the attraction in accordance with the request (col. 12, lines 25-45); determining the number of reservation the user has confirmed or accepted, the time of day, location of attraction, the user's current location and proximity to the attraction (col 7, lines 45-51); means for *determining whether a user's request for reservation to an event (attraction) is valid, such as, whether the user is allowed to attend to the attraction, and where the user is permitted to attend requested attraction (col. 8, lines 32-46).* Cahill teaches determining the availability of a user at a given period of time by searching records of scheduled events. Same rationale of obviousness rejection discussed above is applicable.

10.   Regarding claims 2-3, 15-16, 21-22, 34-35, 41-41 and 53-54 rejected under 103 over Waytena in view of Cahill, it is argued (p. 21-22 of remarks) that the applied references do not teach claim limitation as recited. Specifically, do not teach that the user receives a message on the condition that the user is determined to be available.

        In response to the above-mentioned argument, as discussed above and based on the provided teachings of the prior art. It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Waytena for determining whether a request reservation is valid and returning a response of confirmation or rejection. The validation comprises determining whether the user is available to visit the target location. It would have been obvious to enable Waytena's filtering rules applied to stored information list of pending and confirmed reservations for an event (attraction), identifying the user and the time for the reservation for determining if a request reservation for a predetermine event and predetermined period of time can be accommodated including reply accordingly, to further search said records for any schedule events overlapping a requested period of time to determining whether the user is available to visit any requested target location and if determined that the individual is not available, returning the corresponding overlapping event record information or if determine that the user is available, informing the user accordingly e.g. with a confirmation message. Motivation for doing so would be to prevent the burdening the user with a list of attractions that the user is unable to attend because of his/her scheduled events.

11.   Regarding claims 4, 5, 23-24, and 42-43 rejected under 103 over Waytena in view of Cahill in further view of Redmann, it is argued (p. 23-24 of remarks) that the applied references do not teach claim limitation as recited. Specifically, do not teach determining whether the user is "available" to visit the

target location within time periods indicated in the data structure, where the information is not transmitted if the user is not determined to be available. Further the no cited art has been suggested for the combination.

In response to the above-mentioned argument, as discussed above and based on the provided teachings of the prior art, this claim limitation when interpreted, either given the plain meaning or when interpreted directly from the specification is taught by the applied prior art of record, an obviousness type rejection has applicable. In response to applicant's argument that there is no suggestion in the references to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found *either* in the references themselves *or* in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
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